

1 Honorable Benjamin H. Settle
2
3
4
5
6
7

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

UNITED STATES OF AMERICA,) Case No. 3:16-cv-05172-BHS
Plaintiff,)
v.) STIPULATION REGARDING LIEN
SCOTT C. BROWN;) PRIORITY BETWEEN THE UNITED
MARIA CECILIA BROWN;) STATES AND PIERCE COUNTY
LAKEFRONT INVESTMENTS, LLC;)
RIFFE LAKE INVESTMENTS, LLC;) NOTE ON MOTION CALENDAR:
PIERCE COUNTY; and) March 14, 2016
LEWIS COUNTY,)
Defendants.)

)

Plaintiff the United States of America and Defendant Pierce County hereby stipulate as follows:

1. The United States filed this action to reduce to judgment certain unpaid federal tax assessments against Scott C. Brown and Maria Cecilia Brown, and to foreclose federal tax liens against certain real properties located in Pierce County and Lewis County, Washington. Complaint (Dkt. #1).

2. The two Pierce County properties at issue are Pierce County Parcel Number 0415133013 and Pierce County Parcel Number 0415133019 (referred to collectively as the Stipulation Regarding Lien Priority Between United States and Pierce County Case No. 3:16-cv-05172-BHS

1 "Eatonville Parcels"), which are located on or near Mountain Highway East, Eatonville,
2 Washington 98328.

3 3. Pierce County Parcel Number 0415133013 is located at 52010 Mountain
4 Highway East, Eatonville, Washington 98328 and is legally described as:

5 That portion of the Southwest quarter of the Northwest quarter and of the
6 Northwest of the Southwest quarter of Section 13, Township 15 North, Range 4
7 East, of the W.M., lying South of the South line of State Highway No. 5,
described as follows:

8 Beginning at a point on the North line of the Northwest quarter of the Southwest
9 quarter of Section 13, Township 15 North, Range 4 East of the W.M., 700 feet
10 East of the West quarter corner of said Section; THENCE North 54 feet;
11 THENCE South 70 degrees 50' East 120.7 feet; THENCE South 65 degrees East
12 440 feet, more or less, to a line extended North 35 degrees 25' West from a point
13 on the East line of said Northwest quarter of the Southwest quarter 317.2 feet
14 South of the Northeast Corner thereof; THENCE South 35 degrees 25' East to the
15 East line of said Northwest quarter of the Southwest quarter; THENCE South
16 along said East line 282.80 feet to the most Easterly Northeast corner of the
17 property conveyed to Joe Sander and Betty Sander, husband and wife by
18 instrument recorded June 25, 1958 under Pierce County Auditor's Fee No.
19 1821558; THENCE West along the Northerly line of said Sander property 620
feet, more or less, to a property corner described in said instrument, recorded
under Auditor's Fee No. 1821558; THENCE North 600 feet to the point of
beginning.

20 EXCEPT the West 192 feet thereof, as measured along the South line.

21 Situate in the County of Pierce, State of Washington.

22 4. Pierce County Parcel Number 0415133019 is located adjacent to Parcel Number
23 0415133013 and Alder Lake, and is legally described as:

24 That portion of the following described property lying within the Northeast
25 quarter of the Southwest quarter of Section 13, Township 15 North, Range 4 East
of the W.M., described as follows:

26 Beginning at a point 500 feet South of the Northwest corner of the Northeast
27 quarter of the Southwest quarter of Section 13, Township 15 North, Range 4 East,
28 W.M., THENCE South 59 degrees East 620 feet, more or less, to intersect a line

running parallel with and 127 feet West of the East line of the West half of said Northeast quarter of the Southwest quarter; THENCE South 500 feet, more or less, to the South line of said subdivision; THENCE West 533 feet, more or less, to the West line of the Northeast quarter of the Southwest quarter; THENCE North 820 feet to the point of beginning, in Pierce County, Washington. Situate in the County of Pierce, State of Washington.

That portion of the Northeast quarter of the Southwest quarter Section 13, Township 15 North, Range 4 East of the W.M., lying East of the West line of the East 127' of the West half of the Northeast quarter of the Southwest quarter of said subdivision, and lying South and West of the following described line: Beginning at the Intersection of the North and South centerline of Section 13, and the centerline of State Highway No. 5; THENCE Northwesterly along said centerline, 82.50 feet; THENCE South 18 degrees 37'05" West, along a line hereafter described as "line A" (using this bearing as a meridian for this description) 631.34 feet, more or less, to the Northerly line of the Chicago, Milwaukee, and St. Paul Railroad; Said point being 291.00 feet West, as measured along said Northerly line, from said North and South centerline of said Section 13; THENCE Westerly, along said Northerly line to a point which is 110.00 feet Westerly of at right angles to the Southerly extension of said "line A"; THENCE Southwesterly along said Northerly line 30.25 feet to the True Point of Beginning; THENCE Northwesterly 520.00 feet, more or less, to a point on the West line of the East 127.00 feet of the West half of the Northeast quarter of the Southwest quarter, of said Section 13, 500.00 feet North of the Southwest corner of said East 127.00 feet. Situate in the County of Pierce, State of Washington.

Easement for ingress, egress and utilities 30 feet in, width as identified by reservation in instrument recorded January 8, 1985 under Auditor's File No. 8501060289. Situate in the County of Pierce, State of Washington.

5. The United States claims that federal tax liens encumber the Eatonville Parcels.

These liens relate to Scott C. Brown's and Maria Cecilia Brown's federal income tax liabilities (Form 1040) for the years 2000 to 2003, as described in paragraph 26 and 27 of the Complaint. Notices of Federal Tax Lien have been recorded as described in paragraphs 30 to 36 of the Complaint.

6. Pierce County was named as a defendant in this action solely to fulfill the requirements of 26 U.S.C. § 7403(b), because it had a potential interest in the Eatonville Parcels.

1 Specifically, Pierce County has an interest in the Eatonville Parcels by virtue of ad valorem
2 property tax liens. The amount of outstanding real property taxes on Pierce County Parcel
3 Number 0415133013 is \$4,542.63 as of April 30, 2016. The amount of outstanding real property
4 taxes on Pierce County Parcel Number 0415133019 is \$5,076.01 as of April 30, 2016.

5 7. Pursuant to 26 U.S.C. § 6323(b)(6), any ad valorem property tax liens and any
6 special assessment liens imposed for the purpose of defraying the cost of any public
7 improvement in favor of Pierce County have priority over, and are senior to, the United States'
8 federal tax liens described in paragraph 5 of this Stipulation.

9 8. Pierce County claims no interest in the real property at issue located in Lewis
10 County, described in paragraph 22 of the Complaint.

11 9. In the event that the Court permits the sale of the Eatonville Parcels, the
12 properties will be sold free and clear of all liens of record. The Order of Sale shall provide that
13 the sale proceeds for the Eatonville Parcels will be distributed first to the United States for the
14 costs and expenses of the sale; second to any real property tax and/or special assessment lien
15 holders to satisfy any existing liens that are entitled to priority over prior security interests under
16 Washington law pursuant to 26 U.S.C. § 6323(b)(6), including any real property tax liens and
17 special assessment liens in favor of Pierce County; then to the United States to satisfy the federal
18 tax liens described in paragraph 5 of this Stipulation, in an amount according to proof at that
19 time; and finally, if any proceeds remain, to the remaining Defendants according to their relative
20 priorities and interests as determined by the Court. If the affected parties cannot stipulate to the
21 amounts of their liens, the parties shall file written briefs on their positions, and the Court will
22 determine the amounts.

10. The United States claims no monetary relief against Pierce County in this action.

Unless otherwise ordered by the Court, Pierce County is excused from further participation in this action. Pierce County agrees to be bound by the judgment in this case, which shall incorporate the terms of this Stipulation.

11. The United States and Pierce County shall bear their own costs and fees associated with this issue.

WHEREFORE, the United States and Pierce County respectfully request that the Court adopt this stipulation by signing the endorsement at the close of this filing pursuant to LCR 10(g).

Dated this 14th day of March, 2016.

Presented by:

CAROLINE D. CIRAOLO
Acting Assistant Attorney General

/s/ David H. Prather
DAVID H. PRATHER (WSBA #8292)

/s/ Jennifer Y. Golden
JENNIFER Y. GOLDEN
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 683, Ben Franklin Station
Washington, D.C. 20044
Tel: (202) 307-6547
Fax: (202) 307-0054
Jennifer.Y.Golden@usdoj.gov

Deputy Prosecuting Attorney
Pierce County Prosecutor's Office, Civil Division
955 Tacoma Avenue South, Suite 301
Tacoma, WA 98402-2160
Tel: (253) 798-4168
Fax: (253) 798-6713
dprathe@co.pierce.wa.us

Of Counsel:
ANNETTE L. HAYES
United States Attorney
Western District of Washington

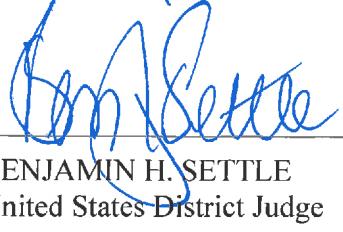
Attorneys for the United States of America

**Stipulation Regarding Lien Priority Between
United States and Pierce County**
Case No. 3:16-cv-05172-BHS

**U.S. Department of Justice
Tax Division, Western Region
P.O. Box 683
Washington, D.C. 20044
Telephone: (202) 307-6547**

1 IT IS SO ORDERED.
2

3 Dated this 14 day of March, 2016.
4

5 
6 BENJAMIN H. SETTLE
United States District Judge
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

Stipulation Regarding Lien Priority Between 6
United States and Pierce County
Case No. 3:16-cv-05172-BHS

U.S. Department of Justice
Tax Division, Western Region
P.O. Box 683
Washington, D.C. 20044
Telephone: (202) 307-6547